

*United States Court of Appeals
for the Second Circuit*



APPENDIX

76-2174

To be argued by

PHYLLIS SKLOOT BAMBERGER

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

CALVIN L. TRUDO,

Appellant,

-against-

UNITED STATES PAROLE BOARD,

Appellee.

Docket No. 76-2174

APPENDIX FOR APPELLANT'S BRIEF

ON APPEAL FROM AN ORDER
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
CALVIN L. TRUDO
FEDERAL DEFENDER SERVICES UNIT
509 United States Court House
Foley Square
New York, New York 10007
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PHYLLIS SKLOOT BAMBERGER,

of Counsel.

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PLAINTIFFS						DEFENDANTS				

Calvin Lawrence Trudo

vs.

United States Parole Board

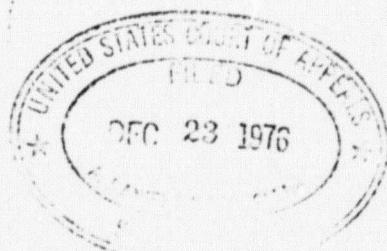
CAUSE

Writ of Habeas Corpus pursuant to Title 18, Sec: 2241.

ATTORNEYS

pro-se
 Calvin L. Trudo
 P.O. Box 1000
 Lewisburg, PA 17837

U.S. Attorney (Niedermeier)



CHECK HERE CASE WAS FILED MA	DATE 3-29-76	FILING FEES PAID RECEIPT NUMBER 25536	CD NUMBER \$5.00	STATISTICAL CARDS CARD DATE FILED JS5 APR 2 1976
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PROCEEDINGS

1976

Mar. 29 1. Filed Petition for writ of Habeas Corpus Pursuant Title 18, Sec. 2241
 " " 2. Memorandum in support of petition for writ of Habeas Corpus.

April 8 3. Issued Order to show Cause and delivered same to Marshal for Service.

" 23 4. Filed Response of the United States to Court's Order to Show Cause.

" 27 5. Amended response of the United States to Court's Order to Show Cause.

" 28 6. Order to Show Cause returned served.

May 6 6. Interim Opinion and Order--that Govt, within 20 days from the date hereof to support by affidavit or otherwise, the allegation pertaining to petitioner's parole revocation hearings contained in its Response and Amended Response filed April 23 and April 27 1976, respectively; Within 20 days from the date of service upon him of Govt's compliance with the foregoing order, petitioner shall file his response with the Court for such further consideration of his petition as may be indicated in light of such response. Mailed copy to attorneys.

" 25 7. Filed Response of United States to Court's Interim Opinion and Order.

June 1 8. Reply to Response and Amended Response to Court's Order to Show Cause and Interim Opinion and Order.

June 3 9. Filed Response to Affidavit and Motion to Exclude by Plaintiff.

" 10. Petition in support of Reparole.

Sep. 14 11. Order -- Deft. submit certified transcript of proceedings of parole revocation hearing held April 4 or 5, 1976 with copy to petitioner within 20 days from date of this Order. Mailed copy to attys.

Oct. 4 12. Filed Government's Motion for extension of Time to Comply.

" 13. Affidavit of Jerome J. Niedermeier, Assistant United States Atty.

" 5. Upon consideration of Government's Motion for Extension of Time to Comply with Court's Order dated 9-14-76, it is ORDERED: Extension to October 31, 1976, is granted. Copy mailed attorneys.

" 8 14. Filed Pltf's Objection to Motion for Time to Comply.

" 14 15. certified transcript of petitioner's parole revocation hearing held on 4-5-76.

" 16. Petition in support of reparole.

Oct 15 17. Filed Government's motion to dismiss.

" 18. Filed memorandum in support of motion to dismiss.

Oct 26 19. Filed Plaintiff's reply to motion to dismiss.

Nov. 8 20. Filed Opinion and Order--deft's motion to dismiss is denied and that pltf's petition for writ of habeas corpus pursuant to 28 USC § 2241 is also denied. Mailed copy to parties.

" 15 21. Pltf's Notice of Appeal. Mailed copy to Mr. Trudo, U. S. Atty. Judge Coffrin, and Clerk, U. S. Court of Appeals for the Second Circuit.

" 30 22. Certificate of Probable Cause. Mailed copy to attys.

Dec. 3 23. Petitioner's Motion to proceed in forma pauperis and for appointment of counsel.

" 24. Petitioner's Affidavit in support of Motion to proceed in forma pauperis and for appointment of counsel.

" " Mailed record on appeal to Clerk, U. S. Court of Appeals for the Second Circuit. Attys. notified.

20. B
5/14/76
RFT

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Calvin Lawrence Trudeau : Civil Action
v. : File No. 76-81
United States Parole Board :

OPINION AND ORDER

This is a pro se action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner alleges that the Parole Board violated his constitutional right to due process by denying him a timely parole revocation hearing. The Court, by orders filed May 6, 1976 and September 14, 1976, required the production of further evidence to supplement the record in this matter. The Court has now reviewed all of the evidence in the record and, for the reasons stated below concludes that the petition must be denied.

The following is a brief summary of the pertinent facts.

Petitioner was originally sentenced on December 11, 1970 for a violation of 18 U.S.C. § 2113(d). He was released on parole on September 27, 1974. On November 26, 1974, while on parole, he was arrested on a firearms violation to which he pleaded guilty in January, 1975. He received an eighteen months sentence which he served at Lewisburg Penitentiary. On February 10, 1975 a parole violator warrant was issued and it was lodged against him at the prison as a detainer in July, 1975. The parole violator

warrant was automatically executed at the expiration of petitioner's sentence on the firearms violation on January 30, 1976, but he did not receive his parole violation hearing until April 5, 1976. The charges against petitioner were apparently explained to him in January and February 1976 at hearings preliminary to the parole revocation hearing level. The actual records of those hearings are not before the Court.

Before considering the merits of this matter, the Court must decide the Parole Board's motion to dismiss for lack of subject matter jurisdiction. By order filed May 6, 1976, we found that the Parole Board was a proper respondent in this action and a "custodian" for the purposes of 28 U.S.C. § 2241. The Parole Board now urges, on the basis of Billiteri v. United States Board of Parole, Docket No. 75-6120, slip op. 5285 (2d Cir., Aug. 30, 1976), that our former decision was incorrect. Billiteri held that "it would stretch the meaning of the term beyond the limits thus far established by the Supreme Court to characterize the Parole Board as the "custodian" of a prisoner who is under the control of a warden and confined in a prison, and who is seeking, in a habeas corpus action, to be released from precisely that form of confinement." slip op. at 5303. While we, of course, acknowledge the authority of Billiteri where a prisoner is merely seeking parole, we think that where a parole violator warrant is lodged as a detainer, as in this case, there is sufficient "custody" by the Parole Board to support habeas corpus jurisdiction. The Second Circuit, in a more recent case much more nearly analogous to the one at hand than Billiteri, apparently

reached the same conclusion. Shepard v. United States Board of Parole, Docket No. 76-2021, slip op. 5413, 5415 (2d Cir., Sept. 7, 1976). Accord Jones v. Johnston, 534 F.2d 353, 357 (D.C. Cir. 1976) and cases cited therein. We, therefore, decline to dismiss this action for lack of subject matter jurisdiction and proceed to the merits.

This action puts in issue the due process procedures to which an alleged parole violator is entitled where he has pled guilty to, or been convicted of a crime while on parole and a parole violator warrant has been lodged as a detainer against him while he is serving the intervening sentence. The circuits are in conflict as to the proper answer to this question. The Supreme Court has granted certiorari in Moody v. Daggett, ____ U.S.____, 44 U.S.L.W. 3493 (March 1, 1976), and in all probability will decide the issue this term. Until such time as the Supreme Court makes its determination, however, this Court is bound to follow the authority of the holding of the Second Circuit Court of Appeals in Shepard v. United States Board of Parole, Docket No. 76-2021, slip op. 5413 (2d Cir., Sept. 7, 1976).

Shepard does not hold that an alleged parole violator is entitled to a revocation hearing during his intervening prison sentence, but it does hold that he has a due process right to contest in some meaningful manner the parole violation warrant lodged against him as a detainer. It holds that these due process requirements are met if the parolee is afforded

- (1) the safeguards now mandated by 18 U.S.C. § 4214,¹⁷ (2) full and timely disclosure of the

evidence to be considered against him, and (3) a specific statement of the factual findings and reasoning underlying the decision arrived at concerning his detainer.^{2/}

Slip op. at 5425. It is clear that petitioner in this case did not receive the benefit of these procedures.

Petitioner was afforded preliminary hearings in January and February of 1976, some six or seven months after the parole violator warrant was lodged as a detainer against him. Although the record is not clear as to exactly what transpired at the preliminary hearings, the transcript of petitioner's April 5, 1976 parole revocation hearing indicates that the preliminary hearings presented only an opportunity for the petitioner to request the appointment of counsel and to make a statement concerning the alleged parole violation if he desired to do so.^{3/} In any event, it is clear that the preliminary hearings did not measure up to the due process standards outlined in Shepard. Petitioner was ultimately afforded a parole revocation hearing that comported with the requirements of due process on April 5, 1976.

Thus, we conclude that by not being afforded prompt and proper detainer-review procedures, petitioner was denied due process of law in violation of the fifth amendment. The Second Circuit's instructions to the lower court in Shepard, as to the proper remedy for this violation, are adaptable to the circumstances of the instant case.^{4/}

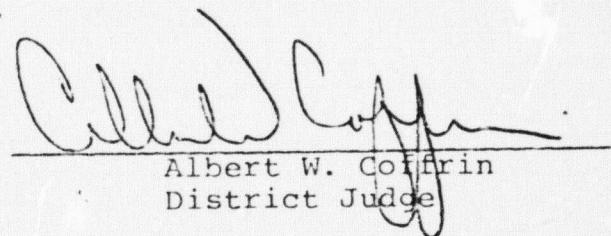
If the court below finds that the consequent delay in according [petitioner] these rights would so impair his ability to adduce mitigating evidence that a constitutionally adequate review would not now be possible, it may order the warrant quashed.

Otherwise, the [Parole] Commission should be required to review Shepard's detainer in conformance with this opinion within such time as the court may fix.

To justify release on a writ of habeas corpus in the instant case, therefore, petitioner must demonstrate that his ability to adduce mitigating evidence was so prejudiced by the delay preceding his otherwise constitutionally adequate parole revocation hearing that the hearing was inherently inadequate. Petitioner alleges that the intervening death of Willard Rock, a witness who would have testified to mitigating circumstances, presents such prejudice. However, petitioner testified to those mitigating circumstances that he wished the Board to consider, and the Board accepted them at face value. Petitioner was free to submit further evidence in this regard through his own testimony, had he desired to do so. There is nothing to indicate that the Board would have prohibited or disregarded such an offer of evidence. Given these circumstances, the Court concludes, upon its review of the record, that Mr. Rock's testimony would not have added significantly to the evidence before the Board. Thus, no prejudice appears to have resulted to petitioner from Mr. Rock's unavailability. The Board gave due weight to the mitigating circumstances, but, nonetheless, revoked petitioner's parole on the basis of his admitted violation of the law. The Court holds, therefore, that the delay preceding petitioner's otherwise constitutionally adequate parole revocation hearing did not prejudice petitioner's ability to present mitigating evidence to such an extent as to require the release of petitioner on a writ of habeas corpus.

Accordingly, it is ordered that the United States Parole Board's motion to dismiss is denied and that Calvin Lawrence Trudo's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is also denied.

Dated at Burlington in the District of Vermont,
this 8th day of November, 1976.



Albert W. Coffrin
District Judge

FOOTNOTES

1/ 18 U.S.C. § 4214 is part of the Parole Commission and Reorganization Act, Pub. L. 94-233, which became effective May 14, 1976. 18 U.S.C. § 4214(b), establishing a detainer-review procedure, reads:

(b) (1) Conviction for a Federal, State, or local crime committed subsequent to release on parole shall constitute probable cause for purposes of subsection (a) of this section. In cases in which a parolee has been convicted of such a crime and is serving a new sentence in an institution, a parole revocation warrant or summons issued pursuant to section 4213 may be placed against him as a detainer. Such detainer shall be reviewed by the Commission within one hundred and eighty days of notification to the Commission of placement. The parolee shall receive notice of the pending review, have an opportunity to submit a written application containing information relative to the disposition of the detainer, and, unless waived, shall have counsel as provided in subsection (a) (2) (B) of this section to assist him in the preparation of such application.

(2) If the Commission determines that additional information is needed to review a detainer, a dispositional hearing may be held at the institution where the parolee is confined. The parolee shall have notice of such hearing, be allowed to appear and testify on his own behalf, and, unless waived, shall have counsel as provided in subsection (a) (2) (B) of this section.

(3) Following the disposition review, the Commission may:

- (A) let the detainer stand; or
- (B) withdraw the detainer.

28 C.F.R. § 2.47 is the proposed implementing regulation for this procedure.

2/ Requirements two and three were added to cure the constitutional infirmities that the Second Circuit found to exist in the detainer-review procedure of 18 U.S.C. § 4214. See Shepard, supra, slip op. at 5424-25.

3/ The preliminary hearing quite probably was held for the purpose of complying with 28 C.F.R. § 2.53, the predecessor to the current detainer-review provisions, which was held in Shepard to provide constitutionally inadequate protection to one in petitioner's position.

4/ In Shepard the alleged parole violator apparently was still serving the intervening sentence at the time of the Court's remand. In the instant case the intervening sentence has expired and the parole revocation hearing has been held. In either case, a review of the possible prejudice to the petitioner because of the failure of the Board to accord him his due process rights, with the granting of such appropriate relief as indicated by the circumstances, appears to be the proper remedy.

UNITED STATES OF AMERICA,

IN THE MIDDLE DISTRICT OF

vs.

PENNSYLVANIA

CALVIN L. TRUDO,
Defendant.

Car 76-81

CLERK
JUN 3 1976
DEPT. OF JUSTICE
RECEIVED
MAY 12 1976
U.S. DISTRICT COURT
PENNSYLVANIA

PETITION IN SUPPORT OF REPAROLE

The Petition of Calvin L. Trudo respectfully represents:

1. The extreme hardship upon my family and myself caused by further jail time should be a factor in consideration for reparole. Both my wife and my oldest daughter are under a Doctor's care for emotional problems that would be relieved were I at home..

2. Shortly after my arrest, my daughter Alicia was molested by a neighbor's son. Alicia was 5 years old and the neighbor was a 17 year old son of a local politician and crime figure. Since that time Alicia had to have help and my wife has been under medication. Alicia lives in an all female household because I am here. She is afraid of men and hysterical a great deal of the time. Her Doctor has advised that my presence would possibly help her to develop normally and save her from possible commitment in an institution. All this has marked my youngest daughter, Traci, who is a year younger than Alicia, and has caused emotional problems for her.

3. Social welfare is my families only means of support. We have none who will help my wife to raise the money to move from where she lives. The person who attacked my daughter and several others in the neighborhood and others near our house, have my family in constant fear and remind Alicia as to what happened. My wife has been harassed by the boy's father and the local police, who are friends of the boy's father. I would be able to help Alicia and my wife to overcome their emotional problems and also move away from their house, to another town if my parole was not revoked. It is my belief and Alicia's Doctor's belief that she cannot retain her sanity or have the opportunity to survive outside an institution unless I am home and she is moved to a place without the reminder of what happened.

4. The fact that it is almost impossible for me to show and prove the mitigating circumstances that existed and caused my actions in violation of my parole and the situation at the time

of my release in September of 1974 should be taken into consideration. I was released in September with about \$60.00; on the way home I had a meal and bought some gifts. When I got home I had \$40.00. When I went before the Board in August, 1974 I had a job offer from Clifford Robar. At the time Mr. Robar's business was doing well enough that he felt he could hire me, but by the time I got out, he was near bankruptcy. He was able to give me a few days a week for some pocket money. The Welfare Department told me that my being home would affect my wife's status for receiving some benefits, and that they would have to cut off her support, leaving me, my wife and the children in a desparate situation. I borrowed \$300.00 from Henry Caputo who was the Government Informer in my case. The money was for necessary repairs on my car, as there is not much other way to get around in Vermont. After repairs I had about \$50.00 and used most of this for gasoline while scouring the area for work, this being during the recession in Vermont, there was nothing to be found. Caputo started to pressure me for his money and when he got particularly nasty I contacted the local [redacted] FBI with the idea of assuring some protection for myself and my family, as there was no way of raising the money. I was told by the local agent that I could not expect any help from them and not to bother calling again. I was then advised by the police that it was also in violation of my parole to call them.

5) Then I got involved in the gun deal - out of desparation, I did not want to commit any kind of crime. I had to raise some money to live and to clear my debt with Caputo. I did not steal the guns or even move them from one place to another. I allowed them to be stored in my garage and assisted in their sale to Caputo, who was caught with them. The two remaining in my garage were not being used for a crime, they were waiting to be picked up by the men that stole them- Williard Rock, the man who heard my conversation with the Police, died in the Spring of 1975 so he can not testify to that fact, or any fact. The fact is, that had I been able to support my family, I would have had nothing to do with the guns. I was sincere in my desire to do well and stay out of trouble when I was released and I still am.

6) Since I have been here the events in my life and in the area I come from have attracted help and interest from some people. The Attorney General of Vermont, Jerome Diamond, has discovered he has an organized crime problem in the state. His chief investigator has been to the prison with me and he has asked for help to convince certain Vermont Congressman that it really does exist. The original proposal was that I go before a panel of these Congressmen and tell them my knowledge of the organized crime. I am willing to do this, but since that time, they have asked that I include names and other information, which if I gave this information out I would only be endangering my family's lives. The investigator who came to talk to me said he would personally help me to get my life started were I to help them with the Congressmen.

7) The economic scene in Vermont has almost returned to normal and I have had several job offers. I should be able to make it without a great deal of help. I could move my family into another area, get them off welfare and make a balanced home for my children. The situation at home has improved enough to make my situation reasonable, though not easy.

I can do what I am suppose to do. I wanted to last time and would have if there was a way. I am cut off from most things that people take for granted, I have no credit, no access to the legal protection that afforded citizens have, because of my background. I must do it alone and it is possible this time. If I can work and make enough to live, I need nothing else.

My explaination is for the purpose of clarifying things for the Board. I am not a good speaker and it is proper that this information be a part of my revocation hearing. The foregoing is the complete truth.

Respectfully submitted,

Calvin Trudeau
CALVIN TRUDEAU

UNITED STATES BOARD OF PAROLE
HEARING SUMMARYName Calvin Lawrence TRUDO Reg. No. 26030-145Member (or Examiner) Quirk/Tenney Hearing Date 4/5/76Type of hearing Revocation (Cass. # 3524-P) Institution LewisburgI. COUNSEL AND WITNESSES:

Subject has court appointed counsel in the person of Joseph F. Orso Jr. Esq. 326 Court Street, Williamsport, Pa. 17701. Telephone-Area code 717 3239839. The date of Mr. Orso's appointment by Judge Muir in the Middle District of Pennsylvania is 2/25/76. D

II. CASE IDENTIFICATION:

Trudo was originally sentenced on December 11, 1970 to a 18 year a-2 following his conviction of bank robbery. He was paroled from this sentence on September 27, 1974 violated parole on November 12, 1974. A warrant was issued on February 10, 1975. In the meantime subject was sentenced to a 18 month concurrent sentence in the District of Vermont for possession of a firearm transported by interstate. The parole warrant was then lodged as a detainer and was executed on January 30, 1976 when subject reached the maximum portion of that sentence. In the interim on August 18, 1975 he had received a hearing on the 18 months sentence and was continued to expiration. At the time of the execution of the warrant subject had 5183 days remaining to be served. Up to date computation of this amount of time indicated a MR date of 8/9/85 with a full term date of 4/8/90.

Subject had his pliminary hearing at Lewisburg on January 28, 1976 at which time he admitted the charges and waived his right to counsel in favor of a representative he hoped would appear on his behalf. However, when this was changed he had another hearing on February 12, 1976 at which time he then contested the charges pending an advice of counsel but withdrew his request for voluntary witness. On 2/12/76 Subject completed the I-16 form asked that an attorney be appointed to represent him at the revocation hearing.

III. REVIEW OF CHARGES AND FINDING OF FACT:

CHARGE #1- Possession of firearms transported interstate commerce.

On January 26, 1975, Mr. Trudo in the United States District Court for the District of Vermont pled guilty to the above offense according to the USPC Fichera's letter of February 6, 1975.

Subject admits the charge.

III. REVIEW OF CHARGES AND FINDING OF FACT: (Cont)

VIOLATION CHARGE # 2- Unauthorized possession of firearms.

On November 12, 1974 Mr. Trudo was indicted for the offense of possession of firearms. In a search of Mr. Trudo residence on November 27, 1974, the FBI reported to have located a "foreign make rifle, bolt action," a Winchester model 20, 12 gauge shot gun, and a Ithaca model 37 20 gauge pump shot gun. Mr. Trudo had no authorization to possess any firearm according to USPO Pichera's report of February 6, 1975.

Subject admits this charge.

VIOLATION CHARGE #3- Possession of stolen property.

On March 28, 1975, Mr. Trudo in Vermont District Court, Chittenden Circuit was arraigned and charged with the above offense according to USPO Pichera's report of April 3, 1975.

Subject admits this charge.

Subject gave one statement covering the 3 charges above. He also presented to the board a paper entitled patition and support of reparole in which he presented significant information concerning the above charges.

In summation he told the panel that when he was released on parole he was unable to find steady work and consequently had to borrow. He borrowed approximately \$300 from a person named Henry Caputo, who was a Government informer, as it turned out. He was approached by Caputo in late October or early November 1974, demanding his money. Subject was unable to pay the debt but did agree with Caputo to store certain guns on his property. He says that these were hunting guns and he also knew that they were stolen and that he stored them until they were picked up by a third party. As it turned out the investigation had been started on this particular operation by FBI and Treasury Agents and as a result the subject was arrested and charged with possession of firearms and interstate transportation, unauthorized possession of firearm and a felon in possession of firearms. Subject stated that he pled guilty at that time to the one count because he was obviously guilty. He did imply that he had also "taken the rap" for other people, but there is nothing further documented to substantiate this claim as a mitigating offender. Subject offers no other explanation other than the fact that he was pressed for money and that he felt this was a way of getting himself out from under the obligation that he owed Caputo.

III. REVIEW OF CHARGES AND FINDING OF FACT: (Cont)

VIOLATION CHARGE #3 - (Cont)

On the basis of subjects admission and the information at hand the panel finds that he violated his parole in each of the three allegations above.

IV. OTHER ADMITTED VIOLATIONS: None.V. INFORMATION ON PAROLE STANDING AS A GOOD PAROLE RISK/COMMUNITY RESOURCES:

Trudo says that when he was released in September, 1974, he returned to his wife and children in Burlington, Vermont. A friend, one Clifford Robar, had offered him a job in construction work but when he arrived at home he found that recession and lack of work had closed down this company. He was able to only get a few hours work at the time and he was actively engaged in trying to seek other work when he fell prey to the above mentioned scheme. He states that he is much concerned about his family because while he has been gone his 6 years old daughter has been molested and under the care of psychiatrist. His wife is receiving public assistance and is unable to visit him at the institution because of lack of funds and he is quite worried about their welfare. Much of his domestic problems are outlined in the memorandum he has submitted which is being made a part of this record. His plan would be to return to Vermont but to relocate from Burlington. He is a member of the Teamsters Union and is a heavy equipment operator and feels sure he can get work if released when the weather is good. He said that the State of Vermont now has road construction contracts, that his father in law has a number of dump trucks that he sub-contracts out to the State and that he can get a job with this relative. He is particular concerned about getting home to his family. Mr. Orso pointed out that he had a letter from Dr. Donald Rife, a psychiatrist in Burlington, Vermont, who reports that he is treating the subjects' 6 year old daughter for the emotional impact of the recent attack and that he feels that it is mandatory that subject return home to be with his family. The panel notes, however, that subjects' adjustment under the concurrent 18 months has not been good. He has experienced difficulty in settling down and he has received a serious incident report for which withheld statutory good time was suspended for a 60 day period in July 1975. He is working as a steam fitter in the plumbing and heating industry and prior to the time during his previous commitment worked in the dental lab. He recognizes the fact that he has violated his parole but asked the panel to consider his release to the community as soon as possible based on compassionate reasons.

VI. EVALUATION REVIEW:

The panel has considered all the aspects in this case and in particular the plight of the family. Subject has some 16 months in on his current sentence. The panel feels that there is an accountability of at least 2 years over all for the violation of parole which took place within 2 months of release. The panel, therefore, is constrained to give subject a set-off to measure up to this accountability standard which will call for review later in the year. It is felt also that time subject if he is given favorable consideration would be released at a time when job opportunities are again good in this Northern State.

VII. TENTATIVE DECISION:

#1- Revoke parole, and continue for institutional review hearing in December, 1976.

VIII. REASONS FOR REVOCATION:

VIOLATION CHARGE #1 - Possession of firearms transported interstate commerce.

BASIS: Your admission to the panel.

VIOLATION CHARGE # 2- Unauthorized possession of firearms.

BASIS: Your admission to the panel.

VIOLATION CHARGE # 3- Possession of stolen property.

BASIS: Your admission to the panel.

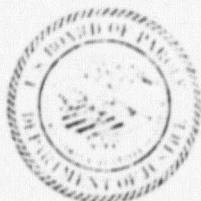
IX. REASONS FOR CONTINUANCE:

Your release at this time would depreciate the seriousness of your parole and promote disrespect for the paroling process. It does not appear to be a reasonable probability at this time that you would live at liberty without violating the law because you were convicted of the charge of possession of firearms and interstate commerce while on parole.

RECEIVED

I hereby certify the foregoing to be a true and correct transcript of APR 12 1978 summary dictated at the UNITED STATES BOARD OF PAROLE and on the occasion indicated.

ckilby House



UNITED STATES DEPARTMENT OF JUSTICE
United States Board of Parole

Washington, D.C. 20537

Notice of Action

Name _____

Register Number _____ Institution _____

In the case of the above-named the following action with regard to parole, parole status, or mandatory release was ordered:

(Reasons for continuance or revocation) (Conditions or remarks)

Appeals procedure: You have a right to appeal a decision as shown below. Filing the appeal is your responsibility which others cannot perform for you. Forms for that purpose may be obtained from your caseworker, and must be filed with the Board within thirty days of the date this Notice was sent.

- A. Decision of a Hearing Examiner Panel. Appeal may be made to the Regional Director.
- B. Decision of the National Directors when referred to them for reconsideration. Appeal may be made to the Regional Director.
- C. Decision of the Regional Director. Appeal may be made to the National Appellate Board.
- D. Decision of National Directors in cases where they assumed original jurisdiction. Appeal may be made to the entire Board.

Copies of this notice are sent to your institution and your probation officer. In certain cases copies may also be sent to the sentencing court. You are responsible for advising any others to whom you might wish to make information on this form available.

(Date Notice sent)

(Region) (NAB) (Nat. Dir.)

(Docket Clerk)